

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
JANUARY 30, 1997

Those in attendance were:

Roy Stewart, Vice-Chair	Joe Hergott, Member
Frank Bartak, Member	Dale Watermeier, Member
Clifford Welsh, Member	Craig Derickson
Don Larson, Member	Jerry Mathiasen
Wilbur Nelson, Member	Paul Rohrbaugh
Vince Kramper, Member	Dayle Williamson, Director
Beverly Donaldson, Member	Jim Cook, Staff
Michael Shaughnessy, Member	Terry Kubicek, Staff
Glen Kroese, Member	Tom Pesek, Staff
LeRoy Pieper, Member	Gayle Starr, Staff
Don Roberts, Member	
Richard Jiskra, Member	

CALL TO ORDER

The meeting was called to order by Vice-Chair Roy Stewart in Conference Room B of the Blue Cross/Blue Shield building at 1233 Lincoln Mall, Lincoln, Nebraska, at approximately 9:00 a.m. Stewart introduced two new Commission members: Beverly Donaldson and LeRoy Pieper representing the Missouri River Tributaries and North Platte Basins respectively. It was also noted that Richard Mercer, Don Roberts, Wayne Davis, Roy Stewart, and Joe Hergott had been re-elected as Commission members.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on January 22, 1997, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Director's Report.
2. Minutes of the Program Committee Meeting.
3. Minutes of the Legislative & Budget Committee Meeting with attachment.
4. 1997 NARD Highlights.
5. NRDF Financial Status Report, January 28, 1997
6. Status of Small Watersheds Flood Control Fund, January 28, 1997

7. Soil and Water Conservation Fund Report.
8. Natural Resources Conservation Service Report.
9. Handout from Don Larson on "Use of the National Resources Inventory (NRI) Done by NRCS as a Tool for Distribution of NSWCP Funding.
10. Water Well Decommissioning Fund Report.

MINUTES

Motion was made by Kramper and seconded by Nelson to approve the minutes of the December 11 and 12, 1996, Commission meetings as distributed. Motion carried.

Aye: Bartak, Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Stewart

Nay: None

Not Present: Shaughnessy, Mercer, Davis

EXPENDITURES

Motion was made by Kramper and seconded by Jiskra to approve the expenditure report for December, 1996 as distributed. Motion carried.

Aye: Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak, Stewart

Nay: None

Not Present: Shaughnessy, Mercer, Davis

DIRECTOR'S REPORT

Dayle Williamson read a Resolution recognizing Robert Bell's service as a member of the Commission. Motion was made by Donaldson and seconded by Kramper to approve the Resolution and to make it a part of the Commission minutes.

RESOLUTION OF THE NEBRASKA NATURAL RESOURCES COMMISSION

WHEREAS, Robert Bell has served as a member of the Nebraska Natural Resources Commission for a total of twenty years; from 1969-1987 as the Governor's appointee representing Municipal Water Users and the past two years as a representative of the Missouri Tributaries River Basin; and

WHEREAS, his leadership and foresight as a member of the Commission at the time of the passage and implementation of the Natural Resources District legislation was an important contribution to the Natural Resources District program; and

WHEREAS, he always made a sincere effort to understand the natural resources problems of all of Nebraska and act in a manner that was best for the entire state; and

WHEREAS, his interest in legislative and budget matters provided strong leadership in those areas; and

WHEREAS, his extensive managerial and engineering experience and abilities were valuable assets to the Commission; and

WHEREAS, he was serving as Chair of the Commission at the time of his untimely death on December 26, 1996;

THEREFORE, BE IT RESOLVED by the Nebraska Natural Resources Commission that the family of Robert Bell be informed of their gratitude for his distinguished service on the Commission and his contributions to the Commission and the State of Nebraska;

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of the January 30, 1997, Commission meeting.

Adopted by unanimous action of the Nebraska Natural Resources Commission on January 30, 1997.

Director of Natural Resources

Chair

Motion carried.

Aye: Kroese, Larson, Roberts, Hergott,
Jiskra, Watermeier, Nelson, Welsh,
Donaldson, Pieper, Bartak, Kramper,
Stewart

Nay: None

Not Present: Mercer, Davis, Shaughnessy

Williamson also read a Resolution recognizing the service of Robert Gifford. Motion was made by Larson and seconded by Roberts to approve the Resolution and to make it a part of the Commission minutes.

RESOLUTION OF THE NEBRASKA NATURAL RESOURCES COMMISSION

WHEREAS, Robert Gifford has served as a member of the Nebraska Natural Resources Commission for the past twenty-two years as a representative of the North Platte River Basin; and

WHEREAS, his service on the Commission represents the longest tenure that any individual member has served; and

WHEREAS, his strong interest in legislative issues and in representing the Commission before the Legislature were important for the Commission; and

WHEREAS, his particular interest and involvement in water rights issues resulted in significant contributions to the North Platte River Basin and the entire state; and

WHEREAS, his leadership in Chairing both the Commission and several of its committees were valuable assets to the Commission; and

WHEREAS, he made a sincere effort to understand the natural resource problems of all of Nebraska and act in a manner that was best for the entire state; and

WHEREAS, he was interested in the strength and vitality of the Commission and the various responsibilities assigned to the Commission; and

WHEREAS, his experience and abilities were valuable assets to the Commission;

THEREFORE, BE IT RESOLVED by the Nebraska Natural Resources Commission that Robert Gifford be informed of their gratitude for his distinguished service on the Commission and his contributions to the Commission and the State of Nebraska;

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of the January 30, 1997, Commission meeting.

Adopted by unanimous action of the Nebraska Natural Resources Commission on January 30, 1997.

Director of Natural Resources

Chair

Motion carried.

Aye: Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh,
Donaldson, Pieper, Bartak, Kramper, Kroese, Stewart

Nay: None

Not Present: Mercer, Davis, Shaughnessy

Dayle Williamson reported on several other items including the Commission's Legislative Report, the Niobrara Scenic River issue, the Bureau of Reclamation's water service contracts with irrigation districts, the state's liaison efforts with the Indian tribes, the Lower Platte River flooding issue and ice jam reporting in eastern Nebraska.

ADVISOR'S COMMENTS

Jerry Mathiasen, Executive Director of NARD, reported on the recent NARD conference and several legislative matters.

Craig Derickson, representing the Natural Resources Conservation Service, distributed an agency report and briefly reviewed it.

ENVIRONMENTAL TRUST

Vince Kramper reported that the Environmental Trust has received 145 requests totaling about 29 million dollars. He noted that the Trust has only about \$2.5 M to award and therefore only a few of these requests will be approved.

COMPREHENSIVE PLANNING ACTIVITIES

Terry Kubicek briefly reviewed several comprehensive planning activities including progress on the DOQ activity, updating of the agency's computer systems and some work with the Corps of Engineers.

LB 1085

Vince Kramper reported that the seven member 1085 Committee had met on Tuesday afternoon after one of the NARD conference sessions and that six of the committee members had been present along with a large number of other interested parties. He indicated that the committee had discussed a number of issues relating to NRD mergers, NRD Board sizes, and boundary change. He added that a number of individuals present had commented on a number of ideas and that most of those present felt the NRD system was working well and should not be changed. He added that the committee will meet again in connection with the March Commission meeting and Water Conference.

PROGRAM COMMITTEE

Vince Kramper noted that the Resources Development and Small Watersheds Flood Control Fund status reports had been made available to Commission members.

Kramper explained that the committee was recommending acceptance of the high bids received on the two tracts on which public auctions were held earlier in the month. He added that the two NRDs were also recommending approval of the high bids. Motion was made by Kramper and seconded by Jiskra to accept the high bid of \$55,278 or \$450 per acre for the 122.84-acre Hubka tract at Wolf-Wildcat Site 51 and \$64,524 or \$570 per acre for the 113.2-acre Leahy tract at South Branch Little Nemaha Site 27. Motion carried.

Aye: Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh,
Donaldson, Pieper, Bartak, Kramper, Shaughnessy, Kroese,
Larson, Stewart
Nay: None

Not Present: Mercer, Davis

Kramper explained that Paul Rohrbaugh, Manager of the Nemaha NRD, had reviewed the various land rights involved with Site 21 of the Upper Little Nemaha Watershed Project. Motion was made by Kramper and seconded by Larson to approve (1) the appraisal of damages on the Halbert/Naumann property (110.7 acres) and commit 50% of \$53,225 for easement, and (2) the cost estimate for Lancaster County road improvements and commit 50% of \$191,305 for such work, both associated with Site 21 of the Upper Little Nemaha Watershed.

Aye: Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak, Kramper, Shaughnessy, Kroese, Larson, Roberts, Stewart

Nay: None

Not Present: Mercer, Davis

Kramper explained that the committee had reviewed the new Natural Resources Enhancement Fund and were recommending that the Commission distribute 60 percent of the funds based on fertilizer sales. Motion was made by Kramper and seconded by Larson that the Natural Resources Enhancement Fund distribution for July 15, 1997, be based on the following: 60% on the basis of the fertilizer sales in each NRD; 20% on the basis of the area of groundwater quality management areas and section 319 areas in each NRD; and 20% equally among the NRDs. Motion carried.

Aye: Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak, Kramper, Shaughnessy, Kroese, Larson, Roberts, Hergott, Stewart

Nay: None

Not Present: Mercer, Davis

Kramper reported that status reports for the Water Well Decommissioning Fund and Soil and Water Conservation Fund had also been made available to the Commission.

Kramper noted that the committee had discussed the Natural Resources inventory prepared by the Natural Resources Conservation Service and its usefulness and reliability for distribution of the Soil and Water Conservation Fund each year. He added that the staff would be looking at alternate means of distributing the Soil and Water Conservation Fund for further review and consideration by the Commission. He added that there had been an extensive discussion of the new federal conservation programs and how they were being implemented and that Harold Klaege of the NRCS was present to review those issues with the Commission.

LEGISLATIVE & BUDGET COMMITTEE

Frank Bartak who was serving as Acting Chair of the Legislative & Budget Committee, noted that the committee had reviewed a number of items of proposed legislation and had taken positions with regard to several of those bills. Motion was made by Bartak and seconded by Larson to support LB 308. Motion carried.

Aye: Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak,
Kramper, Shaughnessy, Kroese, Larson, Roberts, Hergott, Jiskra,
Stewart
Nay: None
Not Present: Mercer, Davis

Motion was made by Bartak and seconded by Kroese to support a general fund appropriation to the Small Watersheds Flood Control Fund, the amount of such request being based on the actual projected needs for the fund and to recommend that the involved NRDs also testify in support of such appropriation. Motion carried.

Aye: Nelson, Welsh, Donaldson, Pieper, Bartak, Kramper,
Shaughnessy, Kroese, Larson, Roberts, Hergott, Jiskra,
Watermeier, Stewart
Nay: None
Not Present: Mercer, Davis

Motion was made by Bartak and seconded by Kramper to oppose LB 212, LB 288, and LB 750, all relating to the distribution of lottery proceeds by the Environmental Trust Board. Motion carried.

Aye: Welsh, Donaldson, Pieper, Bartak, Kramper, Shaughnessy,
Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier,
Nelson, Stewart
Nay: None
Not Present: Davis, Mercer

Motion was made by Bartak and seconded by Nelson to oppose LB 540. Motion carried.

Aye: Pieper, Bartak, Kramper, Shaughnessy, Kroese, Larson,
Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh, Stewart
Nay: Donaldson
Not Present: Davis, Mercer

Motion was made by Bartak and seconded by Roberts to support the concept of LB 616. Motion carried.

Aye: Pieper, Bartak, Kramper, Shaughnessy, Kroese, Larson,
Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh,
Donaldson, Stewart
Nay: None
Not Present: Mercer, Davis

Bartak noted that the committee had discussed a number of other items of legislation but were recommending no further action. Richard Jiskra suggested that the Commission might want to take action on LB 747 relating to allowing cities of the first class to withdraw from existing NRDs and to create new NRDs. Motion was made by Jiskra and seconded by Shaughnessy to oppose LB 747. Motion carried.

Aye: Bartak, Kramper, Shaughnessy, Kroese, Larson, Roberts,
Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson,
Pieper, Stewart
Nay: None
Not Present: Mercer, Davis

MEETING SCHEDULE

Roy Stewart noted that the Commission needed to approve a schedule of meeting dates for the coming year. He added that the Upper Elkhorn NRD had invited the Commission to hold its June Commission meeting in the Upper Elkhorn NRD at O'Neill. Motion was made by Kramper and seconded by Larson to approve the meeting schedule for the coming year as suggested on the final Commission meeting agenda including the June 11 and 12 meeting at O'Neill.

March 12 & 13 (after Water Conference)

April 30, May 1

June 11 & 12, O'Neill

August 6 & 7

legislative seminar)

Sept. 23 & 24 (after NARD Conf.), Columbus

October 29 & 30

December 10 & 11

January 28 & 29, 1998 (after NARD

Motion carried.

Aye: Kramper, Shaughnessy, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak, Stewart

Nay: None

Not Present: Mercer, Davis

ELECTION OF OFFICERS

Stewart noted that election of officers for the upcoming year included the election of a Chairperson and Vice-Chairperson. He called for nominations for the position of Commission Chair. Roy Stewart was nominated by Dale Watermeier. Motion was made by Kramper and seconded by Bartak to close nominations and cast a unanimous ballot for Roy Stewart as Commission Chair. Motion carried.

Aye: Shaughnessy, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak, Kramper

Present, Not Voting: Stewart

Nay: None

Not Present: Mercer, Davis

Stewart asked for nominations for Commission Vice-Chair. Don Roberts nominated Vince Kramper. Motion was made by Jiskra and seconded by Roberts to close nominations for Commission Vice Chair and cast a unanimous ballot for Vince Kramper. Motion carried.

Aye: Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Welsh, Donaldson, Pieper, Bartak, Kramper, Shaughnessy, Stewart

Nay: None

Not Present: Mercer, Davis

COMMITTEE ASSIGNMENTS

Chairman Stewart asked Commission members to indicate their committee preferences and indicated that he would be preparing a committee list with Vice-Chair Vince Kramper and provide it to all Commission members.

NEXT MEETING

The next meeting of the Commission will be March 12 and 13, 1997, in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 10:45 a.m.

Chairman

Director of Natural Resources